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10/510,057

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Scott Allan Kendall

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11/13/2008

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EXAMINER

KIM, EDWARD J

ART UNIT

PAPER NUMBER

2455

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DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|---------------------------------------|--|
| Office Action Summary | Application No. 10/510,057 | Applicant(s) KENDALL ET AL. | |
| | Examiner EDWARD J. KIM | Art Unit 2455 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 August 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>08/12/2008, 08/27/2008</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. This action is a responsive to the Appeal Brief filed on 08/22/2008.
2. Claims 1-21 are pending in this office action. Claims 1, 2, and 5-21 have been amended by the Applicant. No new claims are presented for examination.
3. The claims are directed towards a web browser configuration feature to store format preferences associated with websites.

Response to Amendment

4. The Examiner withdraws the previous Office Action - Final Rejection (dated 03/21/2008) and presents a new Office Action – Final Rejection.
5. The Examiner withdraws the Objection to claim 10 from the previous Office Action - Final Rejection (dated 03/21/2008).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Duperrouzel et al. (US Patent #7,149,982), hereinafter referred to as Duperrouzel.

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Duperrouzel discloses a system and method for saving user-specified views of internet web page displays.

Regarding claim 1, Duperrouzel discloses, a method of communicating electronic information using a browser, the method comprising the steps of:

a. invoking the browser in a display device (Duperrouzel, col.1 ln.34-39, col.2 ln.28-39, col.5 ln.63-67);

b. accessing a web page in response to a viewer specifying a URL In the browser (Duperrouzel, col.6 ln.53-67);

c. retrieving a viewer adjustable setting for the URL from a memory (Duperrouzel, col.2 ln.40-48, col.2 ln.63-67, col.6 ln.53-67. Duperrouzel discloses that the previously-stored user-selected settings of a web page is retrieved, and it is inherent in that the URL is associated with identifying a web page, as the URL is the address of a web page.);

f. automatically applying the current state of the viewer adjustable setting to the web page a next time the web page is accessed (Duperrouzel, col.2 ln.40-48, col.2 ln.63-67, col.6 ln.53-67).

However, Duperrouzel fails to explicitly disclose that the settings are *automatically saved in response to a signal for exiting the web page*. Duperrouzel discloses instances where the user manually saving the settings for a web page before leaving a web site. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Duperrouzel to automatically save the settings of the web site when leaving the web site. One would have been motivated to do so to minimize human intervention for a

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comfortable user experience. Various autosave mechanisms have been used in a plurality of systems for a comfortable user experience and fast-recovery of data

The Examiner asserts that broadly providing an automatic means to replace a manual activity which accomplishes the same results is not sufficient to distinguish over the prior art.

(See below)

III. AUTOMATING A MANUAL ACTIVITY

In re Venner, 262 F.2d 91, 95, 120 USPQ 193, 194 (CCPA 1958) (Appellant argued that claims to a permanent mold casting apparatus for molding trunk pistons were allowable over the prior art because the claimed invention combined “old permanent-mold structures together with a timer and solenoid which automatically actuates the known pressure valve system to release the inner core after a predetermined time has elapsed.” The court held that broadly providing an automatic or mechanical means to replace a manual activity which accomplished the same result is not sufficient to distinguish over the prior art.).

<<MPEP 2144.04>>

Regarding claim 2, Duperrouzel disclosed the limitations, as described in claim 1, and further discloses a method wherein the viewer adjustable setting includes at least one of a text setting and a graphics setting (Duperrouzel, col.8 ln.13-25, col.13 ln.60-62).

Regarding claim 3, Duperrouzel disclosed the limitations, as described in claim 1, and further discloses, a method wherein the web page is displayed on a display other than a computer monitor selected from a television screen, a cell phone, and a personal data assistant (Duperrouzel, col.1 ln.40-44).

Regarding claim 4, Duperrouzel disclosed the limitations, as described in claim 1, and further discloses, a method wherein the URL Is specified in the browser by entering the URL in an address box field in the web browser, by clicking on a hyperlink, or by selecting a favorite or bookmark from a stored list (Duperrouzel, col.1 ln.55-57, col.6 ln.54-67, col.11 ln.38-43, col.10 ln.14-17).

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Regarding claim 5, Duperrouzel discloses, a method of displaying a web page with a user-preferred format setting for the web page, the method comprising the steps of:

a. receiving a user input representing the user-preferred format setting for the webpage while the web page is displayed (Duperrouzel, col.2 ln.36-40, col.2 ln.54-67, col.3 ln.1-12, col.3 ln.65-col.4 ln.5, col.11 ln.49-53);

c. automatically applying the user-preferred format setting to the web page a next time the web page is accessed (Duperrouzel, col.2 ln.40-48, col.2 ln.63-67, col.3 ln.2-12, col.6 ln.53-67).

However, Duperrouzel fails to explicitly disclose that the settings are automatically saved. Kopchik discloses a method and apparatus for wirelessly establishing user preference settings on a computer. Kopchik further discloses a method comprising the steps of: b. automatically storing the user-preferred format setting in association with a URL for the web page in response to a signal for exiting the web page (Kopchik, Abstract, col.6 ln.40-51). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Duperrouzel with those of Kopchik to implement an automatic settings/configuration saving feature. One would have been motivated to do so in order to decrease human intervention with the system, allowing a more comfortable experience during browsing.

Regarding claim 6, Duperrouzel disclosed the limitations, as described in claim 5, and further discloses, a method wherein the user-preferred format setting includes at least one of text and graphics sizing (Duperrouzel, col.8 ln.13-25, col.13 ln.60-62).

Regarding claim 7, Duperrouzel disclosed the limitations, as described in claim 6, and

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further discloses, a method wherein the web page is displayed on a display other than a computer monitor selected from a television screen, a cell phone, and a personal data assistant (Duperrouzel, col.1 ln.40-44).

Regarding claim 8, Duperrouzel disclosed the limitations, as described in claim 5, and further discloses, a method wherein the web page is accessed the next time by a user clicking on a hyperlink in a different web page, by a user entering the URL for the web page in an address box on a web browser, or by a user selecting a favorite or bookmark from a stored list (Duperrouzel, col.1 ln.55-57, col.6 ln.54-67, col.11 ln.38-43, col.10 ln.14-17).

Regarding claim 9, Duperrouzel disclosed the limitations, as described in claim 5, and further discloses, a method wherein the user-preferred format setting is stored in association with the URL for the web page in at least one of a history registry and a favorites registry (Duperrouzel, col.2 ln.55-57, col.10 ln.14-17, col.11 ln.38-43. It is inherent in that there is a history registry associated with a web browser in the art, as disclosed by the Applicant in the Background of Art section. As the user-configurations are associated with the URLs previously visited by the user, the user-settings would be associated with URLs in a history registry.).

Regarding claim 10, Duperrouzel disclosed the limitations, as described in claim 5, and further discloses, a method wherein previously selected formats are stored in association with corresponding URLs in a history registry and/or with corresponding URLs in a favorites registry (Duperrouzel, col.2 ln.55-57, col.10 ln.14-117, col.11 ln.38-43. It is inherent in that there is a history registry associated with a web browser in the art. As the user-configurations are associated with the URLs previously visited by the user, the user-settings would be associated with URLs in a history registry.).

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Regarding claim 11, Duperrouzel discloses a system for processing requests for web pages comprising:

- a. means for fetching a web page upon receipt of a URL request (Duperrouzel, col.6 ln.53-67, col.1 ln.34-39, col.2 ln.28-39, col.5 ln.63-67);
- b. means for receiving a user adjustable format preference for the web page (Duperrouzel, col.2 ln.40-48, col.2 ln.54-67, col.3 ln.2-12);
- d. means for automatically applying the current user adjustable format preference to the web page a next time the web page is fetched (Duperrouzel, col.2 ln.40-48, col.2 ln.54-67, col.3 ln.2-12, col.2 ln.54-67).

However, Duperrouzel fails to explicitly disclose that the settings are automatically saved. Kopchik discloses a method and apparatus for wirelessly establishing user preference settings on a computer. Kopchik further discloses a method comprising the steps of: c. means for automatically storing a current user adjustable format preference for the web page in response to a signal for exiting the web page (Kopchik, Abstract, col.6 ln.40-51). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Duperrouzel with those of Kopchik to implement an automatic settings/configuration saving feature. One would have been motivated to do so in order to decrease human intervention with the system, allowing a more comfortable experience during browsing.

Regarding claim 12, Duperrouzel disclosed the limitations, as described in claim 11, and further discloses, a system wherein the user adjustable format preference includes at least one of a text preference and a graphics preference (Duperrouzel, col.8 ln.13-25, col.13 ln.60-62).

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Regarding claim 13, Duperrouzel disclosed the limitations, as described in claim 11, and further discloses, a system comprising a microprocessor, application program, storage, and I/O components (Duperrouzel, col.4 ln.15-25, col.4 ln.42-45, abstract, col.2 ln.40-42, . It is inherent that a computer in the system disclosed by Duperrouzel comprises of the following components: microprocessor, application program, storage and I/O components.).

Regarding claim 14, Duperrouzel disclosed the limitations, as described in claim 13, and further discloses, a system further comprising a display selected from a television screen, a cell phone display, and a personal data assistant display (Duperrouzel, col.1 ln.40-44).

Regarding claim 15, Duperrouzel disclosed the limitations, as described in claim 11, and further discloses, a system having means to deliver a web browser to a display, means to receive user selections, and means to format web pages according to stored user preferences associated with a corresponding URL (Duperrouzel, col.1 ln.34-39, col.2 ln.28-39, col.5 ln.63-67, col.4 ln.15-25, col.2 ln.40-48, col.2 ln.54-67, col.3 ln.2-12).

Regarding claim 16, Duperrouzel discloses, a computer program embodied on a computer readable medium for displaying a web page with user-preferred formatting for that web page, the computer program comprising:

a. a code segment for receiving user adjustable format selections for a displayed web page (Duperrouzel, col.2 ln.36-40, col.2 ln.54-67, col.3 ln.1-12, col.3 ln.65-col.4 ln.5, col.11 ln.49-53),

b. a code segment for receiving a next request for the URL, and for automatically retrieving the current user adjustable format selection in response to the next request (Duperrouzel, col.2 ln.40-48, col.2 ln.63-67, col.3 ln.2-12, col.6 ln.53-67); and

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c. a code segment for automatically displaying the web page with the current user adjustable format selection in response to the next request (Duperrouzel, col.2 ln.40-48, col.2 ln.63-67, col.3 ln.2-12, col.6 ln.53-67).

However, Duperrouzel fails to explicitly disclose that the settings are automatically saved. Kopchik discloses a method and apparatus for wirelessly establishing user preference settings on a computer. Kopchik further discloses a method comprising the steps of: automatically storing a current user adjustable format selection in association with a URL for the displayed web page in response to a signal for exiting the displayed web page (Kopchik, Abstract, col.6 ln.40-51);. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Duperrouzel with those of Kopchik to implement an automatic settings/configuration saving feature. One would have been motivated to do so in order to decrease human intervention with the system, allowing a more comfortable experience during browsing.

Regarding claim 17, Duperrouzel disclosed the limitations, as described in claim 16, and further discloses, a computer program wherein the code segment for receiving the user adjustable format selections stores the current user adjustable format selection in a primary memory (Duperrouzel, col.1 ln.54-67, col.4 ln.40-59, col.11 ln.49-53).

Regarding claim 18, Duperrouzel disclosed the limitations, as described in claim 16, and further discloses, a computer program of claim 16, wherein the code segment for receiving the user adjustable format selections stores the current user adjustable format selection in a secondary memory (Duperrouzel, col.1 ln.54-67, col.4 ln.40-59, col.11 ln.49-53).

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Regarding claim 19, Duperrouzel disclosed the limitations, as described in claim 16, and further discloses, a computer program wherein the code segment for receiving the user adjustable format selections stores the current user adjustable format selection in association with the URL in a history registry and/or in a favorites registry (Duperrouzel, col.2 ln.55-57, col.10 ln.14-17, col.11 ln.38-43. It is inherent in that there is a history registry associated with a web browser in the art, as disclosed by the Applicant in the Background of Art section. As the user-configurations are associated with the URLs previously visited by the user, the user-settings would be associated with URLs in a history registry).

Regarding claim 20, Duperrouzel disclosed the limitations, as described in claim 16, and further discloses, a computer program, wherein the code segment for receiving the next request for the URL receives the next request from a user clicking on a hyperlink in a different web page, entering the URL in an address box on a web browser, or selecting a favorite or bookmark from a stored list (Duperrouzel, col.1 ln.55-64, col.5 ln.13-15, col.5 ln.43-53).

Regarding claim 21, Duperrouzel disclosed the limitations, as described in claim 16, and further discloses, a computer program wherein one of the user adjustable format selections is text size (Duperrouzel, col.8 ln.13-25, col.13 ln.60-62).

Response to Arguments

8. Applicant's arguments filed 12/06/2007 have been fully considered but they are not persuasive.

Regarding claim 2, Duperrouzel fails to explicitly disclose that the settings are *automatically saved in response to a signal for exiting the web page*. Duperrouzel discloses

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instances where the user manually saving the settings for a web page before leaving a web site. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Dupperrouzel to automatically save the settings of the web site when leaving the web site. One would have been motivated to do so to minimize human intervention for a comfortable user experience. Various autosave mechanisms have been used in a plurality of systems for a comfortable user experience and fast-recovery of data

The Examiner asserts that broadly providing an automatic means to replace a manual activity which accomplishes the same results is not sufficient to distinguish over the prior art.

(See below)

III. AUTOMATING A MANUAL ACTIVITY

In re Venner, 262 F.2d 91, 95, 120 USPQ 193, 194 (CCPA 1958) (Appellant argued that claims to a permanent mold casting apparatus for molding trunk pistons were allowable over the prior art because the claimed invention combined “old permanent-mold structures together with a timer and solenoid which automatically actuates the known pressure valve system to release the inner core after a predetermined time has elapsed.” The court held that broadly providing an automatic or mechanical means to replace a manual activity which accomplished the same result is not sufficient to distinguish over the prior art.).

<<MPEP 2144.04>>

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to EDWARD J. KIM whose telephone number is (571)270-3228. The examiner can normally be reached on Monday - Friday 7:30am - 5:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571) 272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Edward J Kim/
Examiner, Art Unit 2455

/saleh najjar/

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Supervisory Patent Examiner, Art Unit 2455